

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

|  |   |                                 |
|--|---|---------------------------------|
| Anthony Staten,                          | ) | Civil Action No.: 5:11-1266-MBS |
|  | ) |                                 |
| Plaintiff,                               | ) |                                 |
|  | ) |                                 |
| v.                                       | ) |                                 |
|  | ) |                                 |
| Town of Santee, Silas Seabrooks, in his  | ) | <b>CONSENT ORDER</b>            |
| individual and official capacity, Martin | ) |                                 |
| Housand, in his individual and official  | ) |                                 |
| capacity,                                | ) |                                 |
|  | ) |                                 |
| Defendants.                              | ) |                                 |
| _____                                    | ) |                                 |

This matter comes before the court upon the Joint Motion of Belinda Davis-Branch, attorney for Plaintiff; Lake E. Summers, attorney for Defendants Town of Santee and Silas Seabrooks; and Evan M. Gessner, attorney for Defendant Martin Housand.

Counsel for the parties agree, and suggest to the Court, that the viability of any cause of action founded upon federal law, including 42 U.S.C. § 1983 and the Fourteenth Amendment to the Constitution, as set forth in Plaintiff's Complaint, is in doubt and should be dismissed, with prejudice, pursuant to Fed. R. Civ. P. 41(a). Counsel for the parties further agree that Plaintiffs should have the opportunity to properly pursue any state law based cause of action, as set forth in Plaintiff's Complaint, in state court. Therefore, it is

**ORDERED** that any federal claims asserted, or which could have been asserted, by Plaintiff in this action, are hereby dismissed, with prejudice. It is

**FURTHER ORDERED** that the court declines to exercise jurisdiction over Plaintiff's remaining state law claims. See 28 U.S.C. § 1367(c)(3). The complaint is remanded to the Court

of Common Pleas for Orangeburg County, South Carolina.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

July 29, 2011

I SO MOVE:

s/ Belinda Davis-Branch  
Belinda Davis-Branch  
Federal Identification No.: 9263  
ATTORNEY FOR PLAINTIFF

I CONSENT:

s/ Evan M. Gessner  
Evan M. Gessner  
Federal Identification No.: 10352  
ATTORNEY FOR DEFENDANT  
HOUSAND

I CONSENT:

s/ Lake E. Summers  
Lake E. Summers  
Federal Identification No.: 7687  
ATTORNEY FOR DEFENDANTS  
TOWN OF SANTEE AND SEABROOKS